

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L GUATEMALA 000231

SIPDIS

E.O. 12958: DECL: 01/28/2013

TAGS: [PHUM](#) [PREL](#) [PINR](#) [KJUS](#) [GT](#)

SUBJECT: GERARDI WITNESS FOUND DEAD

REF: 02 GUATEMALA 2649

1. (U) Summary: A key witness in the Gerardi trial was reportedly murdered on December 19, 2002. The body of the witness, Noe Gomez Limon, was found on January 21, nearly a month after the murder, and details about the murder remain fragmentary. On January 22, MINUGUA called on the government to investigate his death and to protect the remaining witnesses in the Gerardi case. End Summary.

2. (U) Noe Gomez Limon was an inmate at the prison in Antigua, Guatemala in 1998, along with his brother, Gilberto Gomez Limon. Gilberto testified during the summer 2001 Gerardi murder trial that he saw fellow inmate Obdulio Villanueva leave the prison the night of Bishop Gerardi's murder, April 26, 1998. In the 2001 trial, Noe testified that he had repeatedly been threatened in an effort to silence his brother Gilberto.

3. (SBU) MINUGUA and the Archbishop's Office on Human Rights (ODHA) confirmed Noe Gomez Limon's accounts of being under threat until his murder in December. His brother Gilberto's testimony was considered "key" to the verdict in 2001, when Obdulio Villanueva was found guilty along with three other defendants. That verdict is now in question, after one appeals court annulled the sentence and ordered a retrial (reftel), prompting another court to uphold the 2001 sentence while an appeal of the retrial decision is heard. ODHA director Nery Rodenas told HROff that the public audience for the presentation of the appeals will be held on January 31.

4. (C) Rodenas also informed HROff that Noe Gomez Limon was under the Public Ministry's witness protection program in another country until sometime in 2002, when he relinquished their protection and returned to Guatemala. Rodenas assumes that this was an attempt to intimidate Gilberto Gomez Limon, brother of slain Noe Gomez Limon, from returning to Guatemala should another trial be ordered by the courts. Gilberto is still in the witness protection program and his testimony is crucial to the prosecution's case against Obdulio Villanueva.

5. (C) Rodenas said that this is the first witness from the Gerardi case that has been murdered, while virtually all of the witnesses for the prosecution have been threatened since their involvement in the events of April 26, 1998. Rodenas is troubled by the reluctance of the Public Ministry to investigate Gomez Limon's death, especially because his murder was not reported until a month after it supposedly occurred in his home. Rodenas said the longer the Public Ministry waits to conduct the investigation, the less likely it is they will obtain any results that would help shed light on who is behind the murder.

5. (SBU) COMMENT: Continued attempts to intimidate and eliminate witnesses in the Gerardi case remain deeply troubling. Whether this murder was politically motivated remains to be proven, though we are inclined to agree with Rodenas that the convenient timing of the murder so close to the impending appeals decision is no coincidence. Ambassador is raising this case and our concern about the Gerardi appeal status with the Attorney General. End Comment.
Hamilton